BILL NO. S-90-01-18

SPECIAL ORDINANCE NO. S-30-90

AN ORDINANCE approving the awarding of Reference #892 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and **ULRICH CHEMICAL, INC. AND GERIG'S TRUCKING & LEASING, INC.** for the Water Filtration Plant.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference **#892** between the City of Fort Wayne, by and through its Department of Purchasing and **ULRICH CHEMICAL, INC. AND GERIG'S TRUCKING & LEASING, INC.** for the Water Filtration Plant, respectfully for:

the purchase of soda ash during 1990 for the Water Filtration Plant;

involving a total cost of Thirty-Nine Thousand Two Hundred Forty and no/100+/- Dollars ($39,240.00) - (ULRICH CHEMICAL - $33,480.00; GERIG'S TRUCKING - $5,760.00), all as more particularly set forth in said Reference #892 which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM
AND LEGALITY

J. Timothy McCaulay

J. Timothy McCaulay, City Attorney

REF. NO.:	892
DEPT.:	FILTRATION PLANT
DATE:	12/26/89
ITEM/SERV.:	SODA ASH

PURCHASING INFORMATION

ADVERTISED BID:	YES
DATES ADVERTISED:	10/30/89 & 11/6/89
OPENING DATE:	11/21/89
WRITTEN QUOTE:	
DUE DATE:	
VERBAL QUOTE:	
SINGLE SOURCE:	
NO. OF VENDORS NOTIFIED:	13
NO. OF VENDORS RECEIVING BID:	6
NO. OF VENDORS RETURNING BID:	4
NO. OF VENDORS DISQUALIFIED:	0
NO. OF VENDORS NOT RESPONDING:	9
DATE SENT TO DEPT FOR RECOMM.:	11/21/89
DATE RECOMMENDATION REC'D IN PURCH:	12/20/89
COUNCIL INFORMATION	DATES SENT EXTENSION DATES
DATE INFO SENT TO LAW DEPT.:	12/26/89
INTRODUCTION DATE:	1/9/90
DISCUSSION DATE:	1/16/90
PASSAGE DATE:	1/23/90
ORDINANCE NO.:	
AMOUNT APPROVED AND/OR SPENT LAST YEAR: (IF APPLICABLE)	

REFERENCE NO. 892
SODA ASH
FILTRATION PLANT

ITEM	UNIT	GERIG'S	ULRICH	HVC	GEN CHEM
SODA ASH	TON	N/B	$93.00	$93.00	$93.00
FRGHT TRUCK	TON	$16.00	$72.75	$75.17	$74.43
DEMURRAGE	TON	*	N/B	N/B	N/B
FRGHT RAIL	TON	N/B	$46.50	$46.22	$46.09
DEMURRAGE	TON	N/B	$50.00	$50.00	N/B

*$30.00 PER HOUR - TWO (2) HOURS AFTER ARRIVAL

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 11-21-89 @ 11:00 AM BID REFERENCE # 892

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR SODA ASH REQUIREMENTS FOR 1990

AND REQUESTED BY THREE RIVERS FILTRATION PLANT

THIS BID REQUIRES A ~~XXXXX~~ 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: N/A % IF PAID WITHIN ____ - ____ DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME Gerig's Trucking & Leasing, Inc.

STREET ADDRESS 3909 Limestone Drive

CITY Ft. Wayne, IN 46809 PHONE # (219)-747-2725

BY _____
REPRESENTATIVE SIGNATURE

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: 11-20-89

1. Governmental Unit: City of Fort Wayne
2. County: Allen
3. Bidder (Firm): Gerig's Trucking & Leasing, Inc.
   Address: 3909 Limestone Drive
   City/State: Ft. Wayne, IN 46809
4. Telephone Number: (219)-747-2725
5. Agent of Bidder (If applicable): _____

Pursuant to notices given, the undersigned offers bid(s) to City of Ft. Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

U. Oen Gen. Mgr.
Signature of Bidder or Agent

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
Allen COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

Gerig's Trucking & Leasing
Bidder (Firm)

U. Oen Gen. Mgr.
Signature of Bidder or Agent

Subscribed and sworn to before me this 21 day of November, 1989.

My Commission Expires: February 11, 1991

County of Residence: Allen

James C. Furry
Notary Public

James C. Furry
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

COST FOR PRODUCT AND COST FOR SHIPPING MUST BE BID SEPARATELY

	COST TON PROD ONLY	FRGHT TRUCK	COST TON DEMURRAGE	FRGHT RAIL	COST TON DEMURRAGE	DEL. TIME ARO
SODA ASH EST 300 TON	$ N/A	$ *	$ *	$ N/A	$ N/A	1 Day

*Trucking from Chicago ONLY - $16.00/ Ton in pneumatic tankers, approximately 24 Ton per load. Delays in loading, a charge of $30.00 per hour, for loading time longer than 2 hours after arrival. Local (25 Miles radius) trucking only - $45.00 per hour, portal - to - portal.

TERM OF AGREEMENT: FROM TIME OF AWARD THRU DECEMBER 31, 1990

THE AMERICAN INSTITUTE OF ARCHITECTS

AIA Document A310

Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that we Gerig Trucking & Leasing, Inc.
(Here insert full name and address or legal title of Contractor)
Fort Wayne, Indiana

as Principal, hereinafter called the Principal, and The Continental Insurance Company
(Here insert full name and address or legal title of Surety)
P.O. Box 173
New Albany, Indiana 47150

a corporation duly organized under the laws of the State of New Hampshire
as Surety, hereinafter called the Surety, are held and firmly bound unto City of Fort Wayne
(Here insert full name and address or legal title of Owner)
City County Building
Fort Wayne, Indiana 46802

as Obligee, hereinafter called the Obligee, in the sum of five percent of the amount bid

Dollars ($ 5% of bid),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has submitted a bid for Hauling Soda Ash.
(Here insert full name, address and description of project)

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this 21st day of November 19 89

(Witness)

Gerig Trucking & Leasing, Inc.
(Principal) (Seal)

(Title)

(Witness)

The Continental Insurance Company
(Surety) (Seal)

John B. Manus (Title) Attorney-In-Fact

The Continental Insurance Company

GENERAL POWER OF ATTORNEY

Know all men by these Presents, That THE CONTINENTAL INSURANCE COMPANY has made, constituted and appointed, and by these presents does make, constitute and appoint

John B. Manus of New Albany, Indiana

its true and lawful attorney, for it and in its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertakings and contracts of suretyship to be given to

All Obligees

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

Ten Million (10,000,000) Dollars

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company on the 13th day of January, 1989:

"RESOLVED, that the Chairman of the Board, the Vice Chairman of the Board, the President, an Executive Vice President or a Senior Vice President or a Vice President of the Company, be, and that each or any of them is, authorized to execute Powers of Attorney qualifying the attorney named in the given Power of Attorney to execute in behalf of the Company, bonds, undertakings and all contracts of suretyship; and that an Assistant Vice President, a Secretary or an Assistant Secretary be, and that each or any of them hereby is, authorized to attest the execution of any such Power of Attorney, and to attach thereto the seal of the Company.

FURTHER RESOLVED, that the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached."

In Witness Whereof, THE CONTINENTAL INSURANCE COMPANY has caused its official seal to be hereunto affixed, and these presents to be signed by one of its Vice Presidents and attested by one of its Assistant Vice Presidents this 2 day of August, 19 89

THE CONTINENTAL INSURANCE COMPANY

Attest:

By

D.L. Banta, Assistant Vice President

Emil B. Askew, Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss.:

On this 2 day of August 19 89 before me personally came Emil B. Askew, to me known, who being by me duly sworn, did depose and say that he is a Vice President of THE CONTINENTAL INSURANCE COMPANY, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

GLORIA D. SEEKINS
NOTARY PUBLIC
My Commission Expires March 31, 1993

CERTIFICATE

I, the undersigned, an Assistant Vice President of THE CONTINENTAL INSURANCE COMPANY, a New Hampshire corporation, DO HEREBY CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed at the town of Farmington, in the State of Connecticut. Dated the 21st day of November, 1989.

J. Dennis Lane, Assistant Vice President

FRONT PAGE/INVITATION TO BID
DEPARTMENT OF PURCHASING
CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA
ONE MAIN STREET - ROOM 350
PHONE 219-427-1101

BID OPENING DATE 11-21-89 @ 11:00 AM BID REFERENCE # 892

SEALED BIDS SHOULD BE DELIVERED TO DEPARTMENT OF PURCHASING, ROOM 350, CITY-COUNTY BUILDING UP TO 11:00 A.M. ON OR BEFORE OPENING DATE.

SEALED BIDS WILL BE OPENED PUBLICLY AT 11:01 A.M. IN THE BOARD OF WORKS & SAFETY CONFERENCE ROOM ON THE THIRD FLOOR OF THE CITY-COUNTY BUILDING. "NO LATE BIDS WILL BE ACCEPTED AFTER 11:00 A.M. FOR ANY REASON WHATSOEVER".

THIS INVITATION FOR BID IS FOR SODA ASH REQUIREMENTS FOR 1990

AND REQUESTED BY THREE RIVERS FILTRATION PLANT

THIS BID REQUIRES A XXXXX 5% BID BOND, CERTIFIED OR CASHIER'S CHECK OF ALL BIDDERS.

THIS BID REQUIRES A _____ 100% PERFORMANCE BOND OF SUCCESSFUL BIDDER(S).

PROMPT PAYMENT DISCOUNTS WILL BE ALLOWED AS FOLLOWS: NET ____%
IF PAID WITHIN 30 DAYS.

THIS INVITATION IS ISSUED TO ESTABLISH A CONTRACT TO SUPPLY THE CITY OF FORT WAYNE WITH A COMMODITY OR SERVICE IN ACCORDANCE WITH ACCOMPANYING SPECIFICATIONS.

THE EXECUTION HEREOF BY THE BIDDER IS ACCEPTANCE OF ALL TERMS AND CONDITIONS HEREIN AND IN THAT REGARD THE BIDDER AGREES TO BE BOUND BY SAME AND BE BOUND TO THE AMOUNT OF HIS/HER BID FOR A PERIOD OF NINETY (90) DAYS.

FIRM NAME ULRICH CHEMICAL, INC.

STREET ADDRESS 3111 North Post Road

CITY Indianapolis PHONE # (317) 898-8632

BY James P. Fohl
REPRESENTATIVE SIGNATURE

James P. Fohl
Treasurer

11-20-89

Prescribed by the State Board of Accounts

Form No. 95 (Revised 1987)

BID, OFFER OR PROPOSAL FOR SALE OR LEASE OF MATERIALS

(Defined at I.C. 36-1-2-9.5)
(Please type or print)

Date: November 20, 1989

1. Governmental Unit: City of Fort Wayne, Indiana
2. County: Allen
3. Bidder (Firm): Ulrich Chemical, Inc.
   Address: 3111 North Post Road
   City/State: Indianapolis, Indiana 46226-6566
4. Telephone Number: (317) 898-8632
5. Agent of Bidder (If applicable): James P. Fohl, Treasurer

Pursuant to notices given, the undersigned offers bid(s) to City of Fort Wayne (Governmental Unit) in accordance with the following attachment(s) which specify the class or item number or description, quantity, unit, unit price and total amount.

The contract will be awarded by classes or items, in accordance with specifications. Any changes or alterations in the items specified will render such bid void as to that class or item. Bidder promises that he has not offered nor received a less price than the price stated in his bid for the materials included in said bid. Bidder further agrees that he will not withdraw his bid from the office in which it is filed. A certified check or bond shall be filed with each bid if required, and liability for breach shall be enforceable upon the contract, the bond or certified check or both as the case may be.

X James P. Fohl
Signature of Bidder or Agent

James P. Fohl, Treausrer

BID OFFER OR PROPOSAL

Attach separate sheet listing each item bid based on specifications published by governing body. Following is an example of the bid format:

Class or Item	Quantity	Unit	Description	Unit Price	Amount

NON-COLLUSION AFFIDAVIT

STATE OF INDIANA)
) SS:
MARION COUNTY)

The undersigned bidder or agent, being duly sworn on oath, says that he has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He further says that no person or persons, firms, or corporation has, have or will receive directly or indirectly, any rebate, fee, gift, commission or thing of value on account of such sale.

ULRICH CHEMICAL, INC.
Bidder (Firm)

X James P. Fohl
Signature of Bidder or Agent

Subscribed and sworn to before me this 20th day of November, 1989.

My Commission Expires: May 3, 1993

County of Residence: Marion

Janice F. Brock
Notary Public

Janice F. Brock
Notary Public Printed Name

ACCEPTANCE

There now being sufficient unobligated appropriated funds available, the contracting authority of _____ (Governmental Unit) hereby accepts the terms of the attached bid for classes or items numbered _____ and promises to pay the undersigned bidder upon delivery the price quoted for the materials stipulated in said bid.

Date: _____

Contracting Authority Members:

_____ _____

_____ _____

_____ _____

COST FOR PRODUCT AND COST FOR SHIPPING MUST BE BID SEPARATELY

	COST TON PROD ONLY	FRGHT TRUCK	COST TON DEMURRAGE	FRGHT RAIL	COST TON DEMURRAGE	DEL. TIME ARO
SODA ASH EST 300 TON	$ 90.50*	$	$	$ 46.50	$ 50.00/day+	7-10
	93.00**	72.75	n/a			3-5

*Railcar: 95-ton minimum in bulk
+After three days free unloading time.

**Truckload: 45,000# minimum in bulk

TERM OF AGREEMENT: FROM TIME OF AWARD THRU DECEMBER 31, 1990

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Reference No. 892 for soda ash for the Filtration Plant for 1990. The cost reflects the most responsive vendors.

S-90-01-18

EFFECT OF PASSAGE: This material is used to treat drinking water.

EFFECT OF NON-PASSAGE: Will not be able to treat drinking water properly.

MONIES INVOLVED:	Ulrich Chem.	$33,480.00 +/-
	Gerig's Truck	$5,760.00 +/-
PRICE AGREEMENT:	Yes	
PURCHASE ORDER:		
SOURCE OF FUNDING:	Filtration Pl	513-523-W154-4252

PRIOR APPROVAL: DATE:
(IF APPLICABLE)

BILL NO. S-90-01-18

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
MARK E. GiaQUINTA, VICE CHAIRMAN
HENRY, LONG, TALARICO

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) approving the awarding of Reference #892 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and ULRICH CHEMICAL, INC. AND GERIG'S TRUCKING & LEASING, INC. for the Water Filtration Plant

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION)

DO PASS	DO NOT PASS	ABSTAIN	NO REC
S. Burns			
Thomas P. Henry			
Mark E. GiaQuinta			
Samuel J. Talarico		Paul M. Long	

DATED: 1-23-90.

Sandra E. Kennedy
City Clerk

Read the first time in full and on motion by Burns, seconded by Saturen, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference ~~Room 128~~, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at 6 o'clock P .M., E.S.T.

DATED: 1-9-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Bradbury, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	9			
BRADBURY	✓			
BURNS	✓			
EDMONDS	✓			
GiaQUINTA	✓			
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 1-23-90.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ (GENERAL) (SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~RESOLUTION~~ NO. S-30-90 on the 23rd day of January, 19 90,

ATTEST: Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of January, 19 90, at the hour of 11:00 o'clock A .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 28th day of January, 19 90, at the hour of 3:45 o'clock P .M., E.S.T.

PAUL HELMKE, MAYOR